

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 UNITED STATES OF AMERICA,

4 Plaintiff

5 v.

6 VONCEL TATE,

7 Defendant

Case No.: 2:19-cr-00111-APG-NJK

**Order Denying Motion for Sentencing
Transcripts**

[ECF No. 63]

8 Defendant Vonce Tate filed a pro se motion for a copy of his sentencing hearing
9 transcript to help him prepare for an appeal. ECF No. 63. But there is no appeal pending in this
10 case and the deadline to file an appeal expired nearly two years ago. *See* Fed. R. App. Pro.
11 4(b)(1)(A) (In a criminal case, a notice of appeal must be filed within 14 days of entry of
12 judgment.).

13 “[T]he court may grant a motion for transcripts at government expense only if ‘the trial
14 judge or circuit judge certifies that the appeal is not frivolous’ and the appeal presents a
15 ‘substantial question.’” *Dela Cruz v. Brennan*, No. 19-cv-01140-DMR, 2023 WL 4550942, at *1
16 (N.D. Cal. June 20, 2023) (quoting 28 U.S.C. § 735(f) and citing to *Henderson v. United States*,
17 734 F.2d 483, 484 (9th Cir. 1984)). Tate has not explained the basis for his appeal, and the
18 deadline to appeal expired long ago. Thus, I will not certify that his proposed appeal is not
19 frivolous. Tate’s motion for a copy of the transcript (**ECF No. 63**) is **denied**. However, Tate is
20 free to seek that relief from the court of appeals.

21 DATED this 16th day of April, 2025.

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23 ANDREW P. GORDON
CHIEF UNITED STATES DISTRICT JUDGE